



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

REPLY TO

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 2, 2011

Operations Division
Regulatory Branch
LRP-2011-070

Mr. Jerry Alberts
Antero Resources Appalachian Corporation
1625 17th Street, Suite 300
Denver, Colorado 80202

Dear Mr. Alberts:

I refer to a joint site inspection with US EPA conducted on February 9, 2011, by Jon Coleman and Josh Shaffer of this office, regarding the O. Rice gas well pad and associated structures. This project is located at approximately 39° 19' 3.22"N and -80° 31' 53.13" W, near Bristol, Harrison County, West Virginia. Our site inspection revealed that an in-line impoundment was constructed on an unnamed tributary of Indian Creek near the well pad. Furthermore, the impoundment outfall was relocated and the original stream channel was abandoned completely. There was also evidence of earth and stream disturbance around a stream crossing location that had been recently removed. These activities were conducted without the proper authorization from this office under Section 404 of the Clean Water Act.

Placement of fill into waters of the United States without a Department of the Army permit is a violation of Sections 301 (33 USC §1311) and 404 (33 USC §1344) of the Clean Water Act. Consider this letter an ORDER to immediately CEASE AND DESIST any and all activities resulting in the placement of fill into the waters of the United States (33 CFR 326.3).

By the request of the U.S. Environmental Protection Agency this ORDER has been referred to their office for follow up enforcement action. Violations of the Clean Water Act provide civil fines of not more than \$25,000 per day for each of violation, criminal fines of up to \$25,000 per day of violation, imprisonment and/or restoration of the area to its pre-project condition. **Please contact Stephanie Chin** at (215) 814-2747, or by e-mail at chin.stephanie@epa.gov within 5 days of receipt of this ORDER to determine corrective measures.

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If you have any questions, please contact Jon T. Coleman at (412) 395-7188, or by e-mail at jon.t.coleman@usace.army.mil or Josh Shaffer at (412) 395-7121, or by e-mail at joshua.d.shaffer@usace.army.mil.

Sincerely,
// SIGNED //

Scott Hans
Chief, Regulatory Branch

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Copies Furnished:

Stephanie Chin - U.S. Environmental Protection Agency
Sheirl Fletcher – Fletcher Environmental, Inc.
Lyle Bennett – WVDEP, Office of Water Resources
Brad Swiger – WV DEP, Environmental Enforcement
WV DEP, Office of Oil and Gas
Roger Anderson – WV DNR
Public Lands Corporation